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ORIGINAL

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS
STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. SWO-S1-02A-02-001
)	
DANIEL W. MEYER,)	FINDINGS OF FACT,
License No. SW-2701,)	CONCLUSIONS OF LAW, AND
)	RECOMMENDED ORDER
)	
Respondent.)	
_____)	

The contested case regarding the Complaint against Daniel W. Meyer, a licensed social worker, License No. SW-2701, in the state of Idaho, duly came on for hearing before the Board of Social Work Examiners on December 18, 2003, at the offices of the Idaho State Bureau of Occupational Licenses (the "Bureau"), 1109 Main Street, Suite 220, Boise, Idaho, before Michelle R. Points, the duly appointed hearing officer. Respondent Daniel W. Meyer ("Respondent") appeared in person, representing himself. The Board of Social Work Examiners (the "Board") was represented by its legal counsel, Stephanie N. Guyon, Deputy Attorney General.

The issues presented in this case are as follows:

1. Whether the Complaint filed in this matter contains sufficient grounds that, if proven, warrant disciplinary action by the Board against the Social Worker License of Respondent; and
2. Whether sufficient grounds were proven, through testimony and/or other duly admitted evidence at the hearing held on the Complaint filed in this matter to suspend, revoke, or take other disciplinary action against the Social Worker License of Respondent; and
3. Whether investigative costs and attorney fees incurred in the prosecution of this matter by the Board against Respondent should be paid by Respondent and awarded to the Board.

Having considering the allegations made by the Board in its Complaint, having heard and considered the testimony presented on behalf of the Board during the course of the administrative hearing, having reviewed the record of this matter consisting of the Board's Exhibits 1-16 and Respondents Exhibits A-I, and being otherwise fully advised, the following consists of this hearing officer's Findings of Facts, Conclusions of Law, and Recommended Order.

A. Legal Authority Of The Board And Statutory Standards For Disciplinary Action Regarding Respondent's License As A Social Worker.

As set forth in the Social Work Licensing Act (Idaho Code § 54-3201 *et seq.*), the Board of Social Work Examiners is a self-governing agency for the state of Idaho that, among other matters, is responsible for adopting and administering necessary rules to regulate the practice of social work, including issuing Social Worker Licenses to qualified applicants, investigating charges against an applicant or holder of a Social Worker License, conducting disciplinary hearings, and revoking or suspending a Social Worker License.

The Board, in its discretion, may suspend or revoke any license issued under the Social Work Licensing Act, or take other disciplinary action, upon proof, after a hearing, that a person

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER - 2

has engaged in “unprofessional conduct,” including failing to be licensed or continuing to represented himself as a licensed social worker after the expiration of his license. Idaho Code §§ 54-3211, and 54-3214(1) and (2).

Any person whose license has been revoked may, after the expiration of two years from the date of such revocation, but not before, apply for a new license. Idaho Code § 54-3212.

B. Complaint Against Respondent.

A complaint dated October 16, 2003 (the “Complaint”), signed by the Chief of the Bureau, alleges that Respondent practiced social work and represented himself as a licensed social worker without first being properly licensed in the state of Idaho, in violation of Idaho Code §§ 54-3211(5) and (7), and 54-3214(1) and (2).

II.

**SUMMARY OF THE TESTIMONY AND EVIDENCE PRESENTED
AT THE ADMINISTRATIVE HEARING**

At the hearing held in this matter on December 18, 2003, the Board presented evidence through the testimony of Adel Marie Broomhall, Anne Blair, Courtney Myers, Cindy Rowland, Mark Meyer, Daniel M. Meyer, and Wendy Meyer. Respondent presented evidence through cross-examination of the above witnesses and the testimony of Mark Meyer, Wendy Meyer, and his own testimony.

Additionally, the following exhibits were admitted into evidence.

Exhibit No.	Description
State’s 1	Adel Broomhall’s notes
State’s 2	Anne Blair’s notes
State’s 3	8/28/00 letter
State’s 4	1/12/01 Report of Investigation
State’s 5	3/26/01 Affidavit of Publication
State’s 6	3/01/01 Report of Investigation
State’s 7	3/07/01 Report of Investigation
State’s 8	4/02/01 Report to the Court

State's 9	3/23/01 Report of Investigation
State's 10	4/13/01 Affidavit for Publication
State's 11	5/02/01 Report of Investigation
State's 12	5/25/01 Report of Investigation
State's 13	5/18/01 Report of Investigation
State's 14	5/09/01 Report of Investigation
State's 15	8/22/00 letter *marked but not offered
State's 16	12/05/00 letter *marked but not offered
Respondent's A	6/19/02 letter
Respondent's B	Undated letter to Cheri Bush
Respondent's C	9/23/03 letter
Respondent's D	10/24/03 letter
Respondent's E	11/20/03 letter
Respondent's F	2/01/01 BSU recommendation
Respondent's G	2/05/01 BSU recommendation
Respondent's H	7/27/01 Plan & Review
Respondent's I	9/17/03 letter

Adel Marie Broomhall testified that she was an employee with the Department of Health and Welfare (the "Department") who interviewed Respondent for a social worker position in August of 2000.

Ms. Broomhall testified that in order to hold a social worker position with the Department, a person has to have a bachelor's degree in social work or a related field and must be licensed as a social worker in the state of Idaho.

Ms. Broomhall testified that Respondent, during his interview, indicated that he had a temporary social work permit. State's Exhibit 1 is interview notes taken by Ms. Broomhall which contain some handwritten notes that appear to state: "Idaho license, social worker 'permit.'"

Ms. Broomhall testified that she did not contact Respondent's references or anyone else regarding his licensing status following the August 2000 interview.

Ms. Broomhall testified that she initially called the Respondent to see if he was still interested in the position in August of 2000, and that Respondent stated that he was.

Ms. Broomhall then testified that she reminded Respondent that he would need to follow through and get his license. Thereafter, Ms. Broomhall testified that she followed up with a letter to Respondent to confirm the offer of employment from the Department of Health and Welfare and his acceptance of a social worker position. [State's Exhibit 3.] That letter is dated August 23, 2000. Respondent testified that he did not recall receiving Exhibit 3.

Ms. Broomhall testified that Respondent began his position with the Department on September 5, 2000. Ms. Broomhall testified that when Respondent began work at the Department, she was his immediate supervisor, and that she did not ask to see his Social Worker License.

Ms. Broomhall testified that during Respondent's interview, Respondent offered to show her his license, and she said that it "was fine," indicating that she did not need to see it at that time.

Ms. Broomhall testified that the procedure at the Department at that time, when an individual is hired, was for the Human Resources Department to take a copy of the license and put it in the employee's personnel file. When asked if that was done, Ms. Broomhall stated "apparently not."

Ms. Broomhall testified that in June of 2001, she learned that Respondent was not a licensed social worker. Ms. Broomhall stated that she did not realize that Respondent did not have a license and that upon informing Respondent of the problem that a lack of license may cause, Respondent indicated that he thought she knew that he did not have a license and that "somehow, it was okay."

Upon cross-examination, Respondent asked Ms. Broomhall about his representations made to her in his August 2000 interview, in response to which Ms. Broomhall stated that

Respondent made a comment like “yes, I knew that would come up, so I took care of that right away” and stood up with his hand in his back pocket and pulled something out, and that Ms. Broomhall said: “No, that’s okay. We don’t need to see that right now.” Respondent replied to Ms. Broomhall’s statement by stating “[t]hat’s completely untrue. That never happened.”

Ms. Anne Blair of the Department also participated in the interview of Respondent in August of 2000. Although Ms. Blair did not have a clear recollection of the interview, she testified that she did recall that Respondent told she and Ms. Broomhall that he had a temporary license or a temporary permit. Ms. Blair took notes of the interview [State’s Exhibit 2], on which it indicates “permit, needs test” following the phrase “social work license.” Ms. Blair’s recollection is that some people have a temporary permit because tests for Social Worker Licenses are only administered on a quarterly basis, so people can get temporary permits issued and then take the test on the next available date.

Ms. Blair testified that at the close of the August 2000 interview, she recalls Respondent standing up and reaching towards his pocket, but she does not recall specifically what he was reaching for.

Ms. Blair testified that the representative from the Human Resources Department of the Department had left at the time Respondent was hired, and the Department was in somewhat of a transition, indicating that Respondent’s licensure had somehow been overlooked.

Ms. Courtney Myers, an employee of the Department, testified that she was a co-worker of Respondent in October of 2000 and became his supervisor in April of 2001. Ms. Myers testified that she never discussed Respondent’s licensing status with him until she learned that Respondent did not have a license. Ms. Myers testified that she assumed “because he was hired, he had a license.”

Ms. Myers testified that in the course of his employment, Respondent submitted documents to the Court on behalf of the Department in which Respondent represented that he was a licensed social worker.

Ms. Myers testified that in approximately June of 2001, a department-wide email was sent to all of the social workers regarding re-licensure for the coming year. Ms. Myers testified that she believed that Respondent went to a supervisor in the Department and represented that he was confused about the email because he had never held a Social Worker License.

Ms. Myers stated that she spoke to her supervisor upon learning that Respondent did not have a Social Worker License, and that her supervisor told Ms. Myers to tell Respondent to go immediately and obtain a temporary license. Ms. Myers believes that Respondent went that same day to obtain a temporary license.

Ms. Myers testified that it was later decided to suspend Respondent's employment until the Department could "figure out legally where [they] stood." Ms. Myers testified that as Respondent's supervisor, she needed to sign the form to allow Respondent to obtain a temporary permit, and because of the legal issues at the time, her supervisor changed her mind and told her something like: "Don't sign it. We need to figure out what we are doing." Therefore, Respondent could not obtain a temporary permit at that time.

Cindy Rowland, an investigator with the Bureau, testified that she received the assignment to investigate the Complaint against Respondent in September of 2001.

Ms. Rowland testified that during an interview with Respondent on August 23, 2002, Respondent denied ever stating that he had a permit in his initial interview with Ms. Broomhall and Ms. Blair in August of 2000. Further, Ms. Rowland stated that Respondent told her that he did not reach for his pocket during that interview. Ms. Rowland testified that Respondent told her that during his August 2000 interview with Ms. Broomhall and Ms. Blair, when the subject

of his license (or lack thereof) was addressed, they specifically told him: "We can work around that."

Ms. Rowland testified that Respondent told her during the August 23, 2002 interview "that he knew that Health and Welfare did extensive background checks; and he did not want to burn that bridge with a potential employer, with Health and Welfare being one of the largest in the state, of social workers."

Ms. Rowland testified that when asked about the legal documents that he was signing and submitting to the Court on behalf of the Department, wherein he represented that he was a licensed social worker, Respondent stated that he assumed his supervisor knew what she was doing by knowingly allowing him to sign such documents.

Ms. Rowland testified that she completed her investigation in September of 2002, stating that her investigation was placed on hold in November of 2001 by her supervisor because there was an "employment thing taking place, hearings and stuff, that may jeopardize the situation." Ms. Rowland then went through and identified many documents entitled "Report and Investigation," which appear to be standard or form pleadings of the Department which contain standard duplicative language. These documents indicate that Respondent signed the forms in front of a notary representing that he was a licensed social worker.

Respondent testified that he received a call from the Department in August of 2000, stating that they would like to interview him for a child protection investigative position. Respondent testified that he went in to the Department and spoke with Ms. Blair and Ms. Broomhall, and that he made his situation very clear to them, which was that he was only looking for a temporary position because he was going back to school to get his Master's degree in social work. Respondent was very adamant in his testimony that he stated clearly in his interview that he did not have a Social Worker License or a permit. Respondent further testified that Ms. Broomhall looked directly at Ms. Blair and said: "We can work around that."

Respondent testified that Ms. Blair called him back following the interview and stated something like: “Well, Dan, regarding the school status, would you be willing to work a position where you could work nights and weekends, because of your school status?” Respondent testified that he told Ms. Blair during that phone conversation that he could not accommodate a position working nights and weekends. Respondent testified that approximately a week later, he received another call from Ms. Broomhall, wherein she stated something like: “Well, how about if we just offer you the position as is, just a regular job, a 9:00 to 5:00 kind of job?” Respondent accepted this offer of employment during that phone conversation.

Respondent testified that he accepted the social worker position with the Department, and that he never stated that he had a license. Knowing that the Department would run a background check on him, Respondent testified that: “It was unconceivable to me that they wouldn’t check on something like that.” Respondent went on to testify: “I am certainly am not the kind of person that would go into an interview with the State, or with anybody else for that matter, and lie to them about my status. I was very clear about my status. They hired me.”

With regard to the pleadings filed by Respondent with the Court, wherein Respondent represented himself as a licensed social worker, Respondent testified that he believed that the documents were standard documents that were pulled up on a template from the Department, and that he “never really gave it a second thought.” Respondent testified that none of his supervisors ever asked him if he had a license or if he had a temporary permit, even when Respondent went in for his 6-month performance evaluation.

Respondent testified that prior to working for the Department, he went into the Bureau to discuss the issue with a person by the name of “Marilyn.” Respondent claims that “Marilyn” told him: “If someone will hire you without a license, you can work without a license. People in my agency work without a license.”

Respondent testified that he had a meeting with Gary Payne of the Department after he was suspended in 2001, wherein Mr. Payne told Respondent that he needed to make an example of him. Respondent testified that Mr. Payne made a statement something like “[t]his kind of thing couldn’t be tolerated.”

Respondent testified that when he was suspended from his employment with the Department, he assumed that he would simply obtain his license and get his job back. When Respondent was terminated from his position at the Department, he appealed that termination.

Respondent testified that he spoke with Cheri Bush, Deputy Attorney General for the Bureau, and that Ms. Bush indicated to him that he needed to write a letter stating what he was telling her on the phone, and that she would forward the letter to the Bureau to see if they could get the matter resolved without having a hearing. Respondent then testified that he received a letter back from Ms. Bush stating that the Bureau “was not willing to negotiate.”

Respondent testified and reiterated that when he took the position with the Department, he did not believe that he had to be licensed to work as a social worker. He explained: “That’s why I made it clear in my interview because I had been told at the Bureau that some places, in fact, do hire without a license, that you can get a job as a social worker without a license.”

III.

FINDINGS OF FACT

1. Respondent did not have any license or permit to practice social work while he was employed with the Department from August of 2000 through July of 2001.

2. There is a conflict in testimony as to whether Respondent told agents of the Department that he held a temporary permit to act as a licensed social worker. Considering the testimony and evidence presented at the hearing in this matter, it is the opinion of this hearing officer that Respondent did not inform agents of the Department that he held a temporary permit to act as a licensed social worker.

3. Respondent represented, by sworn signature, on pleadings filed with the state District Court, that he was a licensed social worker.

4. Considering the testimony and evidence presented at the hearing in this matter, it is the opinion of this hearing officer that Respondent believed he was acting in accordance with the guidelines established for him by the Department and that the Department was on notice that he did not hold a license to practice social work.

5. Upon learning that Respondent was not a licensed social worker, Respondent's employment was terminated by the Department, which termination was upheld by the Idaho Personnel Commission on January 11, 2002.

6. Considering the testimony and evidence presented at the hearing in this matter, it is the opinion of his hearing officer that there were certain miscommunications or non-communications made between agents of the Department and Respondent as to the necessity of Respondent having and/or obtaining a permit and/or license to practice social work in order for Respondent to maintain his employment, as well as to the issue of whether Respondent did in fact have a permit or license to practice social work.

7. Respondent was licensed by the Idaho State Board of Social Work Examiners under License No. SW-2701 on August 16, 2001 and currently has a valid Social Worker License.

IV.

CONCLUSIONS OF LAW

1. The Board, in its discretion, may suspend or revoke any license issued under the Social Work Licensing Act, take other disciplinary action, upon proof, after a hearing, that a person has engaged in "unprofessional conduct," including failing to be licensed or continuing to represent himself as a licensed social worker after the expiration of his license. Idaho Code §§ 54-3211 and 54-3214.

2. From August of 2000 through July of 2001, Respondent represented himself as a licensed social worker when he was not in fact a licensed social worker.

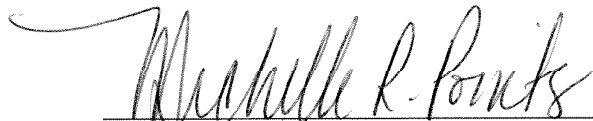
V.

RECOMMENDED ORDER

It is recommended that the Board not impose disciplinary sanctions against Respondent for his past violation of the Social Work Licensing Act.

Respondent's employment with the Department was terminated for the very acts complained of by the Board in the instant action. Although ignorance of the law is not a valid defense, Respondent's testimony, which this hearing officer found credible, did not reflect that Respondent acted with bad faith or with intent to deceive. To now suspend or revoke Respondent's license to practice social work, which license was issued following his termination of employment with the Department, would, in the opinion of this hearing officer, be an excessively punitive measure.

DATED THIS 7th day of January, 2004.



Michelle R. Points
Hearing Officer

CERTIFICATE OF SERVICE

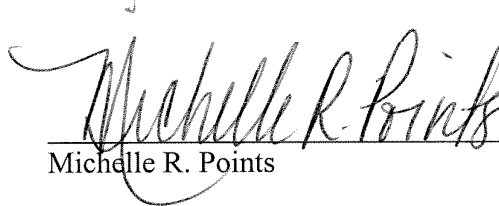
I HEREBY CERTIFY that on this 7th day of January, 2004, I caused to be served a true copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER by the method indicated below, and addressed to each of the following:

Daniel W. Meyer
378 N. Taurus Way
Star, ID 83669

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Stephanie N. Guyon
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy



Michelle R. Points

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Email: mpoi@hteh.com

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. SWO-S1-02A-02-001
)	
DANIEL W. MEYER,)	NOTICE OF APPEAL RIGHTS
License No. SW-2701,)	
)	
)	
Respondent.)	
_____)	

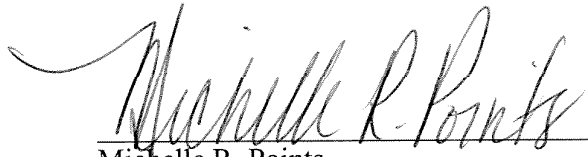
You were recently served with a recommended order of the hearing officer dated January 7, 2004. That recommended order will not become final without action of the agency head. Any party may file a petition for reconsideration of that recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of this notice. The hearing officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See Idaho Code §§ 677-5243(3); 67-5244 and IDAPA 04.11.01.720.02.*

Within twenty-one (21) days after (a) the service date of this notice, (b) the service date of a denial of a petition for reconsideration from the recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended

order, any party may in writing support or take exceptions to any part of the recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exception to the recommended order shall be filed with the agency head (or designee of the agency head). Opposing parties shall have twenty-one days to respond. The agency head or designee may schedule oral argument in the matter before issuing a final order. The agency head or designee will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The agency head (or designee of the agency head) may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

DATED THIS 9th day of January, 2004.



Michelle R. Points
Hearing Officer

CERTIFICATE OF SERVICE

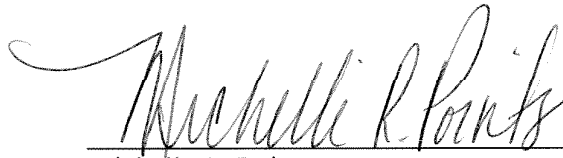
I HEREBY CERTIFY that on this 9th day of January, 2004, I caused to be served a true copy of the foregoing NOTICE OF APPEAL RIGHTS by the method indicated below, and addressed to each of the following:

Daniel W. Meyer
378 N. Taurus Way
Star, ID 83669

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Stephanie N. Guyon
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy



Michelle R. Points

BEFORE THE STATE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:

DANIEL W. MEYER,
License No. LSW-2701,

Respondent.

Case No. SWO-S1-02A-02-001

FINAL ORDER

THIS MATTER came before Michelle R. Points, the designated Hearing Officer. The State appeared by its attorney of record, Stephanie N. Guyon, Idaho Deputy Attorney General. Respondent, Daniel W. Meyer, represented himself in this proceeding. Thereafter, the Hearing Officer conducted a hearing on the matter on December 18, 2003. On January 9, 2004, the Hearing Officer submitted her Findings of Fact, Conclusions of Law and Recommended Order.

This matter then came before the Idaho State Board of Social Work Examiners, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference, except for Finding of Fact No. 4.
2. That Respondent's actions constitute unprofessional conduct under Idaho Code §§ 54-3211(5) and 54-3214, and further constitute grounds for disciplinary action against his license to practice social work in the state of Idaho pursuant to Idaho Code § 54-3212 and IDAPA 24.14.01.475. The Board therefore imposes the following disciplinary sanctions upon Respondent Daniel W. Meyer:

FINAL ORDER - 1.

a. That Respondent shall be placed upon probation for a period of one (1) year from the date of this Order, and shall be issued a letter of reprimand.

b. That Respondent shall pay the costs and attorney's fees incurred in the investigation and prosecution of this matter in the total amount of Three Thousand Six Hundred and 12/100 Dollars (\$3,600.12), to be paid within one (1) year from the date of this Order.

c. That Respondent shall pay a fine in the amount of One Thousand Dollars (\$1,000.00) to be paid within one (1) year from the date of this Order.

d. That Respondent shall obtain ten (10) contact hours in ethics in a face-to-face setting with an instructor within one (1) year from the date of this Order. The ethics course may count for the ethics continuing education requirement for the year.

e. That during Respondent's probationary period, he must successfully complete the requirements set forth in this Order, or the Board shall possess the right to impose further disciplinary action against Respondent up to and including a revocation of his license.

3. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (See, Idaho Code ' 67-5247(4).)

b. Pursuant to Idaho Code §§ 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the

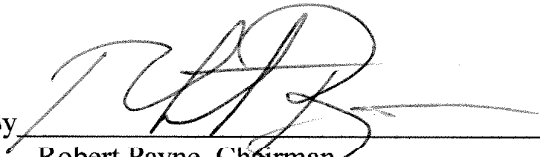
county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See, Idaho Code § 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 10th day of March, 2004.

STATE BOARD OF SOCIAL WORK
EXAMINERS

By 
Robert Payne, Chairman

CERTIFICATE OF SERVICE

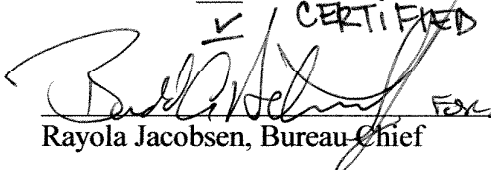
I HEREBY CERTIFY that on the 16TH day of March, 2004, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Stephanie N. Guyon
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

☒ STATEHOUSE MAIL
☐ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission

Daniel W. Meyer
378 N. Taurus Way
Star, Idaho 83669

☒ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ Fax Transmission

☒ CERTIFIED MAIL

Rayola Jacobsen, Bureau Chief

M:\General Representation\Bureau of Occupational Licenses\Social Workers\4773_19 Meyer Final Order.wpd

FINAL ORDER - 4.

BEFORE THE STATE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:

DANIEL W. MEYER,
License No. LSW-2701,

Respondent.

Case No. SWO-S1-02A-02-001

AMENDED FINAL ORDER

THIS MATTER came before Michelle R. Points, the designated Hearing Officer. The State appeared by its attorney of record, Stephanie N. Guyon, Idaho Deputy Attorney General. Respondent, Daniel W. Meyer, represented himself in this proceeding. Thereafter, the Hearing Officer conducted a hearing on the matter on December 18, 2003. On January 9, 2004, the Hearing Officer submitted her Findings of Fact, Conclusions of Law and Recommended Order. On March 10, 2004, the Board entered its Final Order in this matter. Thereafter, the Respondent timely petitioned the Board to reconsider the discipline imposed upon him by the Final Order.

This matter then came before the Idaho State Board of Social Work Examiners, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference, except for Finding of Fact No. 4.
2. That Respondent's actions constitute unprofessional conduct under Idaho Code Sections 54-3211(5) and 54-3214, and further constitute grounds for disciplinary action against his license to practice social work in the state of Idaho pursuant to Idaho Code Section 54-3212 and

AMENDED FINAL ORDER - 1.

IDAPA 24.14.01.475. The Board therefore imposes the following disciplinary sanctions upon Respondent Daniel W. Meyer:

a. That Respondent shall be placed upon probation for a period of one (1) year from the date of this Order, and shall be issued a letter of reprimand.

b. That Respondent shall pay the costs and attorney's fees incurred in the investigation and prosecution of this matter in the total amount of Three Thousand Six Hundred and 12/100 Dollars (\$3,600.12), to be paid within one (1) year from the date of this Order.

c. That Respondent shall obtain ten (10) contact hours in ethics in a face-to-face setting with an instructor within one (1) year from the date of this Order. The ethics course may count for the ethics continuing education requirement for the year.

d. That during Respondent's probationary period, he must successfully complete the requirements set forth in this Order, or the Board shall possess the right to impose further disciplinary action against Respondent up to and including a revocation of his license.

3. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4).)

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of

AMENDED FINAL ORDER - 2.

the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State=s attorney by mailing a copy to them at their addresses as provided.

DATED this 12th day of May, 2004.

STATE BOARD OF SOCIAL WORK
EXAMINERS

By 
Robert Payne, Chairman

CERTIFICATE OF SERVICE

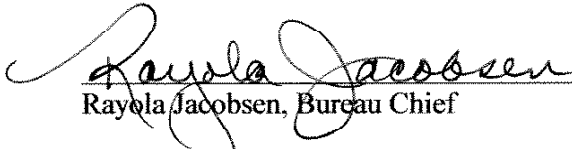
I HEREBY CERTIFY that on the 14th day of May, 2004, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Stephanie N. Guyon
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

☒ Statehouse Mail
☐ U.S. Mail
☐ Hand Delivered
☐ Fax Transmission

Daniel W. Meyer
378 N. Taurus Way
Star, Idaho 83669

☒ Certified Mail
☒ U.S. Mail
☐ Hand Delivered
☐ Fax Transmission


Rayola Jacobsen, Bureau Chief

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AMENDED FINAL ORDER - 4.